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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/396,005	09/13/1999	KHAI HEE KWAN		6815

23336 7590 10/09/2007  
KHAI HEE KWAN  
PETI SURAT 1178  
SANDAKAN, 90713  
MALAYSIA

EXAMINER
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AUGUSTIN, EVENS J

ART UNIT	PAPER NUMBER
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3621

MAIL DATE	DELIVERY MODE
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10/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**Office Action Summary**

Application No.

09/396,005

Applicant(s)

KWAN, KHAI HEE

Examiner

Evans Augustin

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13,14,26,33-36,38-46 and 48-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-14, 26, 33-36, 38-46 and 48-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Acknowledgements***

1. This is in response to an amendment filed on 07/23/2007. Claims 13, 14, 34, 35, 36, 39, 40, 41, 48-50 have been amended. Claims 13-14, 26, 33-36, 38-46 and 48-52 are pending

### ***Response to Arguments***

2. The United States Patent and Trademark Office has fully considered the applicant's arguments filed on 07/23/2007, but has not found those arguments to be persuasive.

**Argument 1:** Prior Art does not teach the aspects of knowledge sharing and updating data stored in a storage space or database, classified based on predefined hierarchy relationship

**Response 1:** The prior art by Bowman-Amuah et al. teach the aspects of retrieving data from a database, as well as manipulating the data (insert, update and delete) (column 52, lines 45-48). The prior art allows users to capture knowledge or content through the creation of unstructured information, i.e. documents. Access Services allow users to effectively retrieve documents that were created by them and documents that were created by others. Documents can be comprised of many different data types, including text, charts, graphics, or even audio and video (column 55, lines 32-38). The invention has Query tools to identify **class hierarchy** (column 185, lines 63-67).

**Argument 2:** Prior art does not provide the keyword search capability

**Response 2:** The prior art by Bowman-Amuah et al. teach the aspect of data indexing, in which data can be located in database, using keyword searching. Furthermore, the prior can also search for additional words that have the same attributes. For example, if the user searches for

auto, the system would also look for car, automobile, motor vehicle, etc (column 55, lines 53-67, column 56, lines 1-28).

**Argument 3:** It would not have been obvious to combine Bowman-Amuah et al.'s invention with Williams' invention.

**Response 3:** "The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference.... Rather, the test is what the combined teachings of those references would have suggested to those of ordinary skill in the art." In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981). See also In re Sneed, 710 F.2d 1544, 1550, 218 USPQ 385, 389 (Fed. Cir. 1983).

As such, Bowman-Amuah did not explicitly describe a method/system that rates the security level of content based on confidentiality and sensitivity. However, Williams describes an invention relates to a multi-level security network system. More particularly, the present invention relates to a secure communication between hosts using a network that implements a security policy, and especially a network allowing multiple levels of information to coexist on a network system. The system uses ratings requirements for multi-level secure (MLS) systems. The term "multi-level security" refers to a system in which two or more classification levels of information are processed simultaneously, and not all users are cleared for all levels of information present (column 1, lines 25-29).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to construct a system that would employ a method/system that rates the security level of content based on confidentiality and sensitivity. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement a

method/system that rates the security level of content based on confidentiality and sensitivity because it would prevent unauthorized parties from gaining access to the system (column 43, line 32-33).

Application stands finally rejected.

### *Claim Interpretation*

3. In determining patentability of an invention over the prior art, the USPTO has considered all claimed limitations, and interpreted as broadly as their terms reasonably allow. Additionally, all words in the claims have been considered in judging the patentability of the claims against the prior art.
4. It should also be noted that, in the office action that:
  - A. Items in the rejection that are in quotation marks are claimed language/limitations
  - B. Functional recitation(s) using the word “for” or other functional terms (*e.g.* “...for storing executable program code” as recited in claim 34) have been considered but given less patentable weight<sup>1</sup> because they fail to add any steps and are thereby regarded as intended use language. To be especially clear, the Examiner has considered all claim limitations. However the A recitation of the intended use of the claimed invention must result in additional steps. See *Bristol-Myers Squibb Co. v. Ben Venue Laboratories, Inc.*, 246 F.3d 1368, 1375-76, 58 USPQ2d 1508, 1513 (Fed. Cir. 2001) (Where the language in a method claim states only a purpose and intended

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<sup>1</sup> See *e.g. In re Gulack*, 703 F.2d 1381, 217 USPQ 401, 404 (Fed. Cir. 1983)(stating that although all limitations must be considered, not all limitations are entitled to patentable weight).

result, the expression does not result in a manipulative difference in the steps of the claim.).

- C. Word(s) that are separated by “/” are being examined as being synonymous or equivalent
- D. “a database to transfer stored funds” in claim 13, is being interpreted as a database having the ability to transfer stored, and not a database containing stored funds .
- E. The USPTO interprets claim limitations that contain statement(s) such as “*if, may, might, can, could, when, potentially, possibly*”, as optional language (this list of examples is not intended to be exhaustive). As matter of linguistic precision, optional claim elements do not narrow claim limitations, since they can always be omitted (*In re Johnston*, 77 USPQ2d 1788 (Fed. Circ. 2006)). They will be given less patentable weight, because language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.
- F. The limitation of “receiving said payee's account identifier and said fund transfer information; upon authenticating the payee's account identifier, instantly crediting the fund to the payee's account if the balance in the database associated with the payer account identifier and password is more than the fund for transfer”, is being interpreted as equivalent to not receiving said payee's account identifier and said fund transfer information; upon authenticating the payee's account identifier, not

crediting the fund to the payee's account if the balance in the database associated with the payer account identifier and password is less than the fund for transfer.

- G. Independent claims are examined together, since they are not patentable distinct. If applicant expressly states on the record that two or more independent and distinct inventions are claimed in a single application, the Examiner may require the applicant to elect an invention to which the claims will be restricted.
- H. Any official notices taken by the USPTO that are not adequately traversed by applicant will be taken to be admitted prior art.
- I. Since the word "database" is not lexicographically defined the USPTO will interpret the word in accordance to Computer Dictionary, 3<sup>rd</sup> Edition, Microsoft Press, Redmond, WA, 1997.<sup>2</sup> Accordingly, a database is database is: n. A file composed of records, each containing fields together with a set of operations for searching, sorting, recombining, and other functions. Applicant has not fully disclosed in the specification how a database is to transfer stored funds.
- J. According to Merriam Webster's dictionary, the term "related to " means: to have relationship or connection <the readings relate to his lectures>. The term "concerning" means: characterized by a ready capability to adapt to new, different, or

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<sup>2</sup> Based upon Applicants' disclosure, the art of record, and the knowledge of one of ordinary skill in this art as determined by the factors discussed in MPEP §2141.03 (where practical), the Examiner finds that the *Microsoft Press Computer Dictionary* is an appropriate technical dictionary known to be used by one of ordinary skill in this art. See *e.g. Altiris Inc. v. Symantec Corp.*, 318 F.3d 1363, 1373, 65 USPQ2d 1865, 1872 (Fed. Cir. 2003) where the Federal Circuit used the *Microsoft Press Computer Dictionary* (3d ed.) as "a technical dictionary" to define the term "flag." See also *In re Barr*, 444 F.2d 588, 170 USPQ 330 (CCPA 1971)(noting that its appropriate to use technical dictionaries in order to ascertain the meaning of a term of art) and MPEP §2173.05(a) titled 'New Terminology.'



changing requirements <a flexible foreign policy> <a flexible schedule>.

Accordingly, the term “R is a factor concerning flexibility in currency stored”, in claims 26, 36 and 41, is being interpreted as “R is a factor related to a capability to adapt to new, different, or changing requirements in currency stored”.

***Claim Rejections - 35 USC § 112 – 1<sup>st</sup> Paragraph***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 13, 39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contain subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Since the word “database” is not lexicographically defined the USPTO will interpret the word in accordance to Computer Dictionary, 3<sup>rd</sup> Edition, Microsoft Press, Redmond, WA, 1997.<sup>3</sup> Accordingly, a database is database is: n. A file composed of records, each containing fields together with a

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<sup>3</sup> Based upon Applicants’ disclosure, the art of record, and the knowledge of one of ordinary skill in this art as determined by the factors discussed in MPEP §2141.03 (where practical), the Examiner finds that the *Microsoft Press Computer Dictionary* is an appropriate technical dictionary known to be used by one of ordinary skill in this art. See *e.g. Altiris Inc. v. Symantec Corp.*, 318 F.3d 1363, 1373, 65 USPQ2d 1865, 1872 (Fed. Cir. 2003) where the Federal Circuit used the *Microsoft Press Computer Dictionary* (3d ed.) as “a technical dictionary” to define the term “flag.” See also *In re Barr*, 444 F.2d 588, 170 USPQ 330 (CCPA 1971)(noting that its appropriate to use technical dictionaries in order to ascertain the meaning of a term of art) and MPEP §2173.05(a) titled ‘New Terminology.’

set of operations for searching, sorting, recombining, and other functions. Applicant has not fully disclosed in the specification how a database is to transfer stored funds. All other claims dependent on those above claims are rejected as well.

***Claim Rejections - 35 USC § 112 – 2<sup>nd</sup> Paragraph***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. Claims 26, 36 and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
9. As per claims 26, 36 and 41, the applicant recites the term “R is a factor concerning flexibility in currency stored”. The term is being interpreted as “R is a factor related to a capability to adapt to new, different, or changing requirements in currency stored”. In analyzing the stored value equation, the United States Patent Trademark Office has found that the metes and bounds of the claims have not been clearly set forth. Therefore, the claim languages have been held to be indefinite because the intended scope of the claims is unclear. The claims will be interpreted as the value of transferred funds being dependent on the exchange rates and time factor of different countries.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States. . . .

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 13-14, 26, 33-36, 38-46 and 48-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Katz et al. (U.S 6424706).

12. As per claims 13-14, 26, 33-36, 38-46 and 48-52, Katz et al. discloses a method and system for purchasing, storing, exchanging, converting, transferring, and otherwise advantageously using prepaid stored value accounts. The computer system/method comprises of the following:

- A. Network such as the Internet, a computer system, a database, a remote input server (col. 8, line 64-67), a plurality of computers (fig. 3A) ("**In an Internet system having a plurality of computers connected by a network, a user to user payment method executable at host server having a database**")
- B. Prompting subscriber/payer for ID and password (col. 17, lines 50-51) ("**prompting payer to input payer's account identifier and password** "), since the system only

- asks to payer to enter ID and password, password true identity (name, address, and birth date) is not known to the system.
- C. The system includes servers (storage medium necessarily present) (col. 9, lines 58, 64) with proper hardware/software combination (col. 9, lines 49-57, col. 10, lines 1-27)
- D. Validating/authenticating user ID and password (col. 17, lines 51-53)
- ("authenticating the said payer's account identifier and password for validity ")**
- E. Prompting to enter receiving subscriber/payee ID (col. 17, lines 61-62), and the amount to be transferred (col. 18, lines 6-9) (**"prompting the payer to input payee's account identifier and fund transfer information "**)
- F. Receiving the receiving ID and after authenticating the ID (col. 18, lines 10-20), checking sender's account for sufficient funds or minutes being redeemed as local currency (col. 19, lines 49-50) (account has to have at least the amount being sent) (col. 18, line 64) debiting sender's account (col. 18, lines 53), and crediting receiver's account (col. 19, lines 5-6) (**"receiving said payee's account identifier and said fund transfer information "**), (**"upon authenticating the payee's account identifier, instantly crediting the fund to the payee's account if the balance in the database associated with the payer account identifier and password is more than the fund for transfer "**)
- G. The account in which funds are being transferred from is prepaid stored valued account (col. 4, line 42, )(**"whereby said stored fund is deposited from a prepaid card"**)

H. The prior art invention makes an electronic funds transfer (col. 8, lines 63-64).

Therefore the actual transfer is made without any user interaction and regardless of the origination of source fund ("**transfer is made without interacting with said payee and independently of said prepaid card**")

I. The prior teaches the receiver's account is good until it is used up (col. 2, lines 25-26) ("**whereby upon completion of storing and linking said prepaid card is valueless**")

J. As per claims 26, 36 and 41, the prior art teaches that if the transfer is an international transfer the system branches to a process 462 where the currency exchange handling begins. First, process 462 calculates the value, in the sender's currency, of the unit-minutes about to be transferred. Next, a process 464, in conjunction with a currency exchange rate tables 465, calculates the equivalent value in the receiver's currency. Next, a process 466, using a unit-minute rate tables 467, calculates the number of receiver unit-minutes equivalent to this amount of receiver currency. Finally, a process 468 calculates the exchange rate fees to be assessed to the sender and returns an output data 469 (col. 18, lines 32-43)

K. Account being accessed or transferred using ATM or merchant POS (col. 7, lines 63, col. 8, lines 2 and 15)

L. Sending receipt to both the sender and receiver. This message may be sent in a number of formats, including but limited to, voicemail, email, facsimile message (Print) or text page sent to the wireless handset, containing account/transaction ID

(col. 19, lines 17-24) ("**printing a receipt representative of a prepaid card having at least a serial number prepaid card and connected to said host server**")

M. The system uses telephone service (col. 4, line 61, col. 9, line 1) ("**network is a telephone network**")

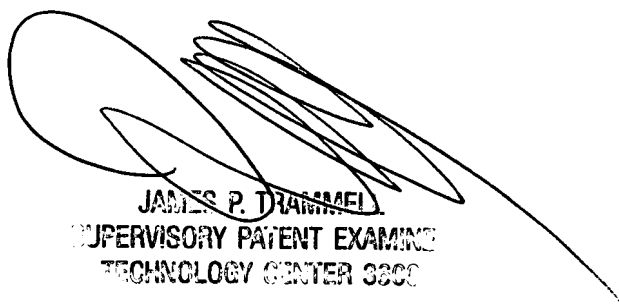
### *Conclusion*

13. **THIS ACTION IS MADE FINAL.** Any new ground(s) of rejection is due to the applicant's amendment. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
14. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evens Augustin whose telephone number is 571-272-6860. The examiner can normally be reached on Monday thru Friday 8 to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779.

/Evens J. Augustin/  
Evens J. Augustin  
October 1, 2007  
Art Unit 3621



JAMES P. DRAMMELL  
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